

ORIGINAL

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CV 11-04994 DMR

12 LABRADOR OMNIMEDIA, INC., a
California corporation,

13 Plaintiff,

14 vs.

15 MIHIR PARIKH, an individual;
16 TASTEVIN SYSTEMS, INC., a Delaware
corporation; and DOES 1 - 50, inclusive,

17 Defendants.

PLAINTIFF LABRADOR OMNIMEDIA'S
COMPLAINT FOR TRADEMARK
INFRINGEMENT, CYBERPIRACY, AND
UNFAIR COMPETITION

DEMAND FOR JURY TRIAL

BY FAX

19
20 Plaintiff Labrador OmniMedia, Inc. ("Labrador OmniMedia" or "Plaintiff"), by its
21 attorneys, Owens Tarabichi LLP, for its Complaint in this action alleges:

PARTIES

23 1. Labrador OmniMedia is a California corporation having its principal place of
24 business at 2849 Laguna Road, Santa Rosa, California 95401.

25 2. Defendant Mihir Parikh is an individual who resides and/or works at 425 1st Street,
26 #5801, San Francisco, California 94105. Mihir Parikh is the Chief Executive Officer ("CEO") of
27 Defendant TasteVin Systems, Inc. ("TasteVin Systems").
28

1 3. TasteVin Systems is a Delaware corporation having its principal place of business
2 at 425 1st Street, #5801, San Francisco, California 94105.

3 4. Each of the Defendants has participated in and is in some manner responsible for
4 the acts described in the instant Complaint and the damage resulting therefrom.

5 5. Mihir Parikh is the alter ego of TasteVin Systems and there exists a unity of
6 interest and ownership between Mihir Parikh and TasteVin Systems such that any separateness
7 between them has ceased to exist, in that Mihir Parikh has completely controlled, dominated,
8 managed, and operated TasteVin Systems since its formation for his own personal benefit.

9 6. Plaintiff is ignorant of the true names of the other Defendants sued herein as Does
10 1 – 50, inclusive, and therefore, sues these Doe Defendants by such fictitious names. Additional
11 Doe Defendants are likely to include, among others, any individual owners or officers of
12 TasteVin Systems. Plaintiff will amend this Complaint to allege their true names and capacities
13 when ascertained. Plaintiff is informed and believes and, on that basis, alleges that each such
14 fictitiously named Doe Defendant is responsible in some manner for Plaintiff's losses and
15 damages, as alleged herein, and that Plaintiff's losses and damages were proximately caused by
16 such conduct.

17 **DOMAIN NAME REGISTRAR, REGISTRY, AND RECORDS**

18 7. The domain name registrar for the tastevin systems.com domain name is
19 GoDaddy.com, Inc., an Arizona corporation with its principal place of business at 14455 N.
20 Hayden Road, Suite 219, Scottsdale, Arizona 85260.

21 8. The domain name registry for the tastevin systems.com domain name is VeriSign,
22 Inc., a Delaware corporation having its principal place of business at 487 East Middlefield Road,
23 Mountain View, California 94043.

24 9. GoDaddy.com, Inc.'s records for the tastevin systems.com identify the registrant of
25 the domain name as TasteVin Systems with an address at 425 1st Street, Unit 5801, San
26 Francisco, California 94105. A true and correct copy of the WHOIS data for the
27 tastevin systems.com domain name is attached hereto as Exhibit A.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331, 1338(a) and (b), 15 U.S.C. § 1121, and 28 U.S.C. § 1367, as this action involves substantial claims arising under the U.S. Trademark Act of 1946, as amended, 15 U.S.C. § 1051 *et seq.*, combined with related and supplemental claims for unfair competition.

11. Defendants Mihir Parikh and TasteVin Systems are subject to personal jurisdiction in this district because Defendants conduct regular and systematic business in California and Plaintiff's causes of action contained herein arise out of or result from Defendants' purposeful availment of the privilege of conducting activities with or within the State of California.

12. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and (c) because Defendants Mihir Parikh and TasteVin Systems reside in this judicial district and a substantial part of the events or omissions giving rise to the claims occurred in this judicial district.

INTRADISTRICT ASSIGNMENT

13. Pursuant to N.D. Civil Local Rule 3-2(c), this is an intellectual property action subject to district-wide assignment.

FACTS RELEVANT TO ALL CLAIMS

14. Labrador OmniMedia is a privately held software and media company that focuses on the wine and spirits industry. Among other things, Labrador OmniMedia provides an iPad application that helps restaurants manage their wine and alcohol inventory and also recommends meal and alcohol pairings to their patrons.

15. Labrador OmniMedia's iPad application is marketed and sold under the TASTEVIN trademark. In this regard, Labrador OmniMedia filed U.S. Application Serial No. 85/423,957 with the U.S. Patent and Trademark Office ("USPTO") for the TASTEVIN trademark in connection with "computer application software for mobile phones and tablet computers that provides information regarding alcohol and food." A true and correct copy of a printout from the USPTO's website of the record for U.S. Application Serial No. 85/423,957 is attached hereto as Exhibit B.

1 16. In addition to its USPTO application for the TASTEVIN trademark, Labrador
2 OmniMedia also owns common law rights in the TASTEVIN trademark by virtue of its use of the
3 TASTEVIN trademark at *least* as early as April 20, 2011.

4 17. Subsequent to Labrador OmniMedia's first use of the TASTEVIN trademark in
5 connection with its iPad application, Defendants Mihir Parikh and TasteVin Systems registered
6 the tastevin.com domain name.

7 18. Defendants Mihir Parikh and TasteVin Systems then proceeded to use the
8 tastevin.com domain name to advertising a competing iPad application called PairingPad,
9 which provides patrons with detailed information about food and wines—just like Labrador
10 OmniMedia's TASTEVIN™ iPad application. However, Defendants Mihir Parikh and TasteVin
11 Systems also proceeded to use the TASTEVIN trademark in connection with their marketing and
12 sales efforts of their PairingPad application. Defendants Mihir Parikh and TasteVin Systems'
13 unauthorized trademark use of the TASTEVIN designation in connection with their competing
14 iPad application is evidenced on their website where the TASTEVIN designation is prominently
15 used as a trademark at the top left corner of their website. A true and correct printout from
16 Defendants' website is attached hereto as Exhibit C.

17 19. On September 26, 2011, in an effort to resolve this matter without litigation,
18 Labrador OmniMedia sent a cease and desist letter to Defendants Mihir Parikh and TasteVin
19 Systems. The cease and desist letter informed them of Labrador OmniMedia's superior rights in
20 the TASTEVIN trademark and the fact that their unauthorized use of the identical TASTEVIN
21 designation in connection with virtually identical goods creates a likelihood of confusion among
22 consumers, thereby constituting trademark infringement. A true and correct copy of Labrador
23 OmniMedia's September 26, 2011 cease and desist letter is attached hereto as Exhibit D.

24 20. On September 29, 2011, Defendants Mihir Parikh and TasteVin Systems
25 responded to the cease and desist letter by email. Despite admitting that their alleged use of the
26 TASTEVIN designation was subsequent to that of Labrador OmniMedia's use, Defendants Mihir
27 Parikh and TasteVin Systems refused to cease their infringing use of TASTEVIN. A true and
28

1 correct copy of Defendants Mihir Parikh and TasteVin Systems' September 29, 2011 email is
2 attached hereto as Exhibit E.

3 21. Labrador OmniMedia's common law trademark rights in the TASTEVIN
4 trademark predate any trademark use by Defendants Mihir Parikh and TasteVin Systems' of the
5 TASTEVIN designation.

6 22. Notwithstanding Defendants Mihir Parikh and TasteVin Systems' knowledge of
7 Labrador OmniMedia's prior rights in the TASTEVIN trademark, Defendants Mihir Parikh and
8 TasteVin Systems have adopted and are using the identical TASTEVIN designation to distribute,
9 sell, offer for sale, promote, and/or otherwise advertise their directly competing software in
10 California and throughout the United States with the deliberate and calculated intent to trade on
11 the goodwill and reputation symbolized by Plaintiff and its products to confuse and mislead the
12 public, causing mistakes in consumer purchasing. Because the marks are identical, there is no
13 difference in sight, sound, or meaning between the marks. Moreover, Defendants Mihir Parikh
14 and TasteVin Systems sell an iPad application that directly competes with Plaintiff's iPad
15 application, is sold through the same trade channels as Plaintiff's product, and is directed to the
16 same general class of purchasers as Plaintiff's product. This creates a likelihood of confusion and
17 constitutes trademark infringement.

18 **FIRST CLAIM FOR RELIEF**
19 **TRADEMARK INFRINGEMENT**
20 **UNDER § 43(a) OF THE LANHAM ACT (15 U.S.C. § 1125(a))**

21 23. Paragraphs 1–22, above, are realleged and incorporated by reference as if set forth
22 in full.

23 24. Labrador OmniMedia owns common law trademark rights in the TASTEVIN
24 trademark in connection with software that provides information regarding alcohol and food and,
25 more specifically, in connection with an iPad application that that helps restaurants manage their
26 wine and alcohol inventory and also recommends meal and alcohol pairings to their patrons.

27 25. Labrador OmniMedia's common law trademark rights in the TASTEVIN
28 trademark predate any trademark use by Defendants Mihir Parikh and TasteVin Systems' of the

1 TASTEVIN designation.

2 26. Defendants Mihir Parikh and TasteVin Systems' adoption and use of the
3 TASTEVIN designation to promote and sell a directly competing iPad application is likely to
4 cause confusion, mistake, and/or deceive consumers as to affiliation, connection, or association in
5 violation of 15 U.S.C. § 1125(a).

6 27. Defendants Mihir Parikh and TasteVin Systems' aforesaid acts have caused and
7 will continue to cause Labrador OmniMedia to suffer damages and irreparable injury, and unless
8 such acts are restrained by this Court, they will be continued and Labrador OmniMedia will
9 continue to suffer damages and irreparable injury.

10 **SECOND CLAIM FOR RELIEF**
11 **CYBERPIRACY**
12 **UNDER § 43(d) OF THE LANHAM ACT (15 U.S.C. § 1125(d))**

13 28. Paragraphs 1–27, above, are realleged and incorporated by reference as if set forth
14 in full.

15 29. Defendants Mihir Parikh and TasteVin Systems' unauthorized registration and use
16 of the tastevin.com domain name violates the federal Anticybersquatting Consumer
17 Protection Act of 1999, as amended, 15 U.S.C. § 1125(d).

18 30. Defendants Mihir Parikh and TasteVin Systems' registration and use of the
19 tastevin.com domain name constitutes a bad faith intent to profit from Labrador
20 OmniMedia's TASTEVIN trademark. This is evident by, among other things, the fact that
21 Defendants are using the tastevin.com domain name, which wholly incorporates
22 Plaintiff's TASTEVIN trademark, to promote and sell a directly competing product; the fact that
23 Defendants do not have any trademark or other intellectual property rights in the
24 tastevin.com domain name; and Defendants' intent to divert consumers from Labrador
25 OmniMedia.

26 31. Defendants Mihir Parikh and TasteVin Systems' registration and use of the
27 tastevin.com domain name constitutes registering, trafficking in, and using a domain
28 name that is identical or confusingly similar to Labrador OmniMedia's TASTEVIN trademark in

1 violation of Labrador OmniMedia's rights.

2 32. Defendants Mihir Parikh and TasteVin Systems' aforesaid acts have caused and
3 will continue to cause great and irreparable injury to Labrador OmniMedia and, unless such acts
4 are restrained by this Court, they will be continued and Plaintiff will continue to suffer great and
5 irreparable injury.

6 **THIRD CLAIM FOR RELIEF**
7 **UNFAIR COMPETITION**
8 **UNDER § 17200 OF THE CALIFORNIA BUSINESS & PROFESSIONS CODE**

9 33. Paragraphs 1–32, above, are realleged and incorporated by reference as if set forth
10 in full.

11 34. Defendants Mihir Parikh and TasteVin Systems' unauthorized use of the
12 TASTEVIN designation violates California's unfair competition law, California Business and
13 Professions Code §§ 17200 *et seq.*, because it constitutes unfair, unlawful, and fraudulent
14 conduct.

15 35. Defendants Mihir Parikh and TasteVin Systems' conduct is unfair because their
16 unauthorized use of the TASTEVIN designation allows them to unjustly benefit from the
17 goodwill and reputation that is associated with Labrador OmniMedia's goods provided under the
18 TASTEVIN trademark.

19 36. Defendants Mihir Parikh and TasteVin Systems' conduct is unlawful because their
20 unauthorized use of the TASTEVIN designation violates at least 15 U.S.C. §§ 1125(a) and
21 1125(d) as described in this Complaint.

22 37. Defendants Mihir Parikh and TasteVin Systems' conduct is fraudulent because
23 their unauthorized use of the TASTEVIN designation is likely to deceive, and may have already
24 deceived, the general public as to whether the goods offered by Defendants are sponsored,
25 licensed, affiliated, or otherwise authorized or approved by Labrador OmniMedia.

26 38. Defendants Mihir Parikh and TasteVin Systems' aforesaid acts have caused and
27 will continue to cause great and irreparable injury to Labrador OmniMedia and, unless such acts
28 are restrained by this Court, they will be continued and Plaintiff will continue to suffer great and

1 irreparable injury.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiff prays for judgment against Defendants and relief as follows:

4 (i) that Defendants be preliminary and permanently enjoined from using names or
5 marks confusingly similar to Plaintiff's TASTEVIN trademark;

6 (ii) that Defendants be ordered to deliver up for destruction all advertisements,
7 packaging, labels, and other articles bearing any marks that infringe Plaintiff's TASTEVIN
8 trademark;

9 (iii) that pursuant to 15 U.S.C. § 1117(a), Plaintiff recover Defendants' profits and
10 such sums in addition thereto as the Court shall find just;

11 (iv) that pursuant to 15 U.S.C. § 1117(a), Plaintiff recover the damages sustained in an
12 amount to be proven at trial;

13 (v) that pursuant to 15 U.S.C. § 1117(a), Plaintiff recover the costs of this action,
14 including reasonable attorneys' fees and interest;

15 (vi) that pursuant to 15 U.S.C. § 1117(d), Defendants be required to pay Plaintiff
16 \$100,000 in statutory damages;

17 (vii) that Defendants be required to pay Plaintiff restitution in the amount of all monies
18 obtained from their violations of §§ 17200 *et seq.* of the California Business and Professions
19 Code; and

20 (viii) such other and further relief that this Court may deem just and equitable.

21 Dated: October 10, 2011

Respectfully submitted,

OWENS TARABICHI LLP

23
24 By 

25 David R. Owens
26 Bruno W. Tarabichi
27 Attorneys for Plaintiff
28 Labrador OmniMedia, Inc.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure and Rule 3-6(a) of the Civil Local Rules of the Northern District of California, Plaintiff demands a jury trial.

Dated: October 10, 2011

Respectfully submitted,

OWENS TARABICHI LLP

By




David R. Owens
Bruno W. Tarabichi
Attorneys for Plaintiff
Labrador OmniMedia, Inc.

EXHIBIT A



Username / Customer# Password Log In Forgot Password? | Create Account

USD empty

Deals of the Day
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24/7 Sales & Support (480) 505-8877
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WHOIS Domain Check

Domains Hosting Email Websites Search Engines SSL & Security Resellers Affiliates Auctions My Account

TASTEVINSYSTEMS.COM
(Registered)

is this your domain?
Add hosting, email and more.

Want to buy this domain?
Get it with our Domain Buy service.

The data contained in GoDaddy.com, Inc.'s WHOIS database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, Inc. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, Inc. is not the registrant of domain names listed in this database.

Registrant:
TasteVin Systems

425 1st St
Unit 5801
San Francisco, California 94105
United States

Registered through: GoDaddy.com, Inc. (<http://www.godaddy.com>)
Domain Name: TASTEVINSYSTEMS.COM
Created on: 30-Apr-11
Expires on: 30-Apr-13
Last Updated on: 29-Jul-11

Administrative Contact:
pankh, m mpankh@mp-assoc.com
TasteVin Systems
425 1st St
Unit 5801
San Francisco, California 94105
United States
4082036869

Technical Contact:
pankh, m mpankh@mp-assoc.com
TasteVin Systems
425 1st St
Unit 5801
San Francisco, California 94105
United States
4082036869

Domain servers in listed order:
NS33.DOMAINCONTROL.COM
NS34.DOMAINCONTROL.COM

Registry Status: clientDeleteProhibited
Registry Status: clientRenewProhibited
Registry Status: clientTransferProhibited
Registry Status: clientUpdateProhibited

[See Underlying Registry Data](#)
[Report Invalid Whois](#)

NameMatch Recommendations

GoDaddy.com NameMatch has found similar domain names related to your search. Registering multiple domain names may help protect your online brand against internet squatters who could try to buy up these names in the hopes of selling them to you at an inflated price. It also enables you to capture more Web traffic, which you can then direct to your primary domain.

Domains available for new registration:

Available TLDs		
<input type="checkbox"/>	tastevinssystems.co	SAVE! \$17.99/yr
<input type="checkbox"/>	tastevinssystems.info	SAVE! \$1.99*/yr
<input type="checkbox"/>	tastevinssystems.net	SAVE! \$9.99*/yr
<input type="checkbox"/>	tastevinssystems.org	SAVE! \$6.99*/yr
<input type="checkbox"/>	tastevinssystems.us	SAVE! \$3.99/yr
<input type="checkbox"/>	tastevinssystems.ca	SAVE! \$8.99/yr
<input type="checkbox"/>	tastevinssystems.mobi	SAVE! \$6.99*/yr
<input type="checkbox"/>	tastevinssystems.biz	SAVE! \$6.99*/yr
Similar Premium Domains		
<input type="checkbox"/>	BurglarSystem.net	\$450.00*
<input type="checkbox"/>	DoorAlarmSystems.com	\$1,599.00*
<input type="checkbox"/>	MicroAlarmSystems.com	\$999.00*
<input type="checkbox"/>	Tastelt.net	\$1,288.00*
<input type="checkbox"/>	Tastelt.org	\$788.00*
<input type="checkbox"/>	TasteSite.com	\$2,488.00*
Similar Domains		
<input type="checkbox"/>	thetastevinssystems.com	\$11.99*/yr
<input type="checkbox"/>	tastevinssystems.site	\$11.99*/yr
<input type="checkbox"/>	mytastevinssystems.com	\$11.99*/yr
<input type="checkbox"/>	tastevinssystemsonline.com	\$11.99*/yr
<input type="checkbox"/>	newtastevinssystems.com	\$11.99*/yr
<input type="checkbox"/>	tastevinssystemstore.com	\$11.99*/yr
<input type="checkbox"/>	freetastevinssystems.com	\$11.99*/yr
<input type="checkbox"/>	tastevinssystemnow.com	\$11.99*/yr

ADD TO CART

Domains available at Go Daddy Auctions®:

<input type="checkbox"/>	renewalsystems.com	Ends on: 11/18/2011 12:00:00 AM PDT	\$1,000.00*
<input type="checkbox"/>	affordablessoftwaresystems.com	Ends on: 11/13/2011 12:00:00 AM PDT	\$950.00*
<input type="checkbox"/>	hbsystems.net	Ends on: 10/31/2011 7:19:00 PM PDT	\$889.00*
<input type="checkbox"/>	importsystems.com	Ends on: 10/31/2011 7:06:00 PM PDT	\$2,800.00*
<input type="checkbox"/>	docsystems.com	Ends on: 10/31/2011 9:51:00 AM PDT	\$2,800.00*
<input type="checkbox"/>	fashionsystems.com	Ends on: 10/31/2011 9:28:00 AM PDT	\$2,488.00*

VIEW LISTING

Learn more about

Private Registration
Business Registration

Deluxe Registration
Protected Registration

Search for another domain name in the WHOIS database

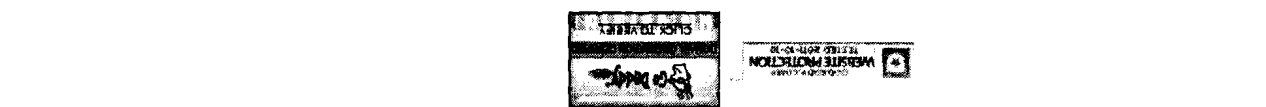
Enter a domain name to search

* ICANN fee of \$0.15 per domain name year
* CA domain names will be registered through Go Daddy Domains Canada, Inc. a CIRA certified registrar.

<p>Account Manager</p> <ul style="list-style-type: none"> My Account My Renewals My Upgrades Account Settings Customer Information Order History Create Account 	<p>Shopping</p> <ul style="list-style-type: none"> Domain Search Product Catalog Product Adviser Go Daddy Gear Gift Cards Deal of the Day 	<p>Resources</p> <ul style="list-style-type: none"> Webmail WHOIS search ICANN Confirmation Affiliates Follow & Fan Us Legal Site Map 	<p>Help & Support</p> <ul style="list-style-type: none"> Telephone Support & Sales Go Daddy Community Discussion Forums Help and Guides User Groups Submit Support Ticket Site Suggestions Report Spam Go Daddy Scoop 	<p>About Go Daddy</p> <ul style="list-style-type: none"> About Us News Releases Careers Marketing Opportunities Customer Testimonials Security Center ME Scholarship Round Up for Charity 	<p>Join Our Community Forums</p> <p>YourEmail@YourWebsite.com</p> <p><input type="button" value="Sign Up For Special Offers"/></p> <p><input type="button" value="Secure Shopping"/></p>
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Use of this Site is subject to express Terms of Use. By using this Site, you signify that you agree to be bound by these Terms of Use, which were last revised on August 5, 2011. Go Daddy.com is the world's No. 1 ICANN-accredited domain name registrar for COM, NET, ORG, INFO, BIZ and US domain extensions. Source: RegistrarSTATS.com. Copyright © 1999 - 2011 GoDaddy.com, Inc. All rights reserved.



Although it often appears "WHOIS" or "Whois", the term is not an acronym. It means literally "Who is", referring to the searchable database that stores domain information for every URL currently registered on the internet. Think of the "white pages" of the internet neighborhood.

Search the GoDaddy.com WHOIS database whenever you want to know who a particular Web site belongs to. You may even be able to find the name and contact information of the business or individual who holds the registration on that domain. If the registration is private, specific information such as the holder's name, address, phone number and email address will be hidden from public view.

There are a number of reasons why you might want to use the GoDaddy.com WHOIS database:

- If you're a domainer, you might have your eye on a particular domain name(s) and want to know when it expires in the hopes of registering it yourself. You might also wish to approach the registrant with a private purchase offer.
- If you are the legal owner of a copyrighted name and you find someone else has registered a domain with that name in it, you'll want to take legal action against whoever's infringed on your rights by "cyber-squatting" on your internet territory.
- If you come across your own original content reproduced without permission on another Web site, you may want to look up the name of the domain registrant in order to file a DMCA complaint against him or her. This federal act makes it illegal for anyone to produce or distribute another's original material on the internet.

Law enforcement agencies use the WHOIS database to support national and international efforts including copyright protection and anti-terrorism laws. They're able to identify the registrant - or at least the host or registrar - of every domain name registered today. Legal infractions that can't be traced to an individual or business can certainly be traced to a registrar. Depending on the offense, the registrar may warn the site owner or shut down the Web site altogether.

GoDaddy.com has been active in combating internet crime and abuse. GoDaddy.com lawyers have testified before the U.S. House Judiciary Subcommittee on Crime, Terrorism and Homeland Security about the rapid proliferation of illegitimate pharmacies and child pornography on the internet. In fact, the company had a hand in the 2008 passage of the Ryan Haight Online Pharmacy Consumer Protection Act, named after a California teenager who died from an overdose of a drug he bought online.

EXHIBIT B



United States Patent and Trademark Office

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[Logout](#) Please logout when you are done to release system resources allocated for you.

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[TAR Status](#) [ASSIGN Status](#) [TDR](#) [TAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Tastevin

Word Mark	TASTEVIN
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer application software for mobile phones and tablet computers that provides information regarding alcohol and food. FIRST USE: 20110420. FIRST USE IN COMMERCE: 20110813
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85423957
Filing Date	September 15, 2011
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Labrador OmniMedia, Inc. CORPORATION CALIFORNIA 2849 Laguna Road Santa Rosa CALIFORNIA 95407
Attorney of Record	Bruno Tarabichi
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	CURR LIST
			NEXT DOC	LAST DOC				

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY

EXHIBIT C



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[MY ACCOUNT](#)

[CONTACT US](#)

Boost Wine Sales and Profits with PairingPad™

[Learn More](#)



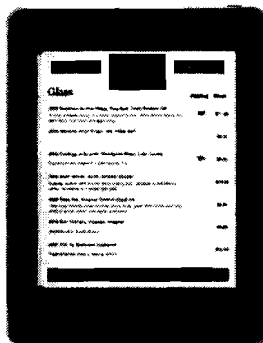
News Headlines

TasteVin Systems, Inc. Announces the Limited Release of PairingPad™, an interactive iPad menu for restaurants and wine bars that will increase wine sales and profit.

[Find Out More](#)

Users of interactive menu technology report immediate increases in wine sales between 11% and 20%.

[Find Out More](#)



PairingPad

An elegant food and wine menu that happens to be interactive.

Fun and Engaging

PairingPad provides patrons with detailed information about your food and wines. They will enjoy selecting from your wine list.

Increase Wine Sales

Patrons see which wines pair best with menu items, and learn about the variety of wines you offer. PairingPad helps entice patrons to buy a bottle rather than just a glass or upsell other brands.

Simply Elegant

Unlike other interactive menus, the PairingPad is quick and easy to setup, requires no change to your operations and menu changes are a snap.

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EXHIBIT D



111 N. Market St., Suite 730
San Jose, CA 95113
Tel: 408-298-8200
Fax: 408-521-2203
www.owenstarabichi.com

Bruno W. Tarabichi
408-298-8204
btarabichi@owenstarabichi.com

September 26, 2011

By First Class Mail and Email

Mihir Parikh
Tastevin Systems, Inc.
425 First Street #5801
San Francisco, CA 94105

Re: Tastevin Systems' Unauthorized Use of the TASTEVIN Trademark

Dear Mr. Parikh:

We represent Labrador OmniMedia, Inc. in trademark and unfair competition matters. As you know, Labrador OmniMedia provides an iPad app under the TASTEVIN trademark that helps restaurants manage their wine and alcohol inventory and also recommends meal and alcohol pairings to their patrons.

In this regard, Labrador OmniMedia owns U.S. Trademark Application Serial No. 85/423,957 for the TASTEVIN mark in connection with "computer application software for mobile phones and tablet computers that provides information regarding alcohol and food." A copy of U.S. Trademark Application Serial No. 85/423,957 is enclosed for your reference. This application evidences Labrador OmniMedia's exclusive right to use the TASTEVIN trademark for the goods set forth in the application. In addition, the TASTEVIN trademark is already recognized in the industry as identifying Labrador OmniMedia and represents substantial goodwill.

It has come to our attention that Tastevin Systems, Inc. has adopted TASTEVIN as part of its corporate name and domain name and is using the TASTEVIN trademark in connection with its PAIRINGPAD iPad app for food and wine pairings. Tastevin Systems' use of the TASTEVIN designation as a corporate name and in connection with goods that directly compete with those provided by Labrador OmniMedia is likely to cause confusion, mistake, and deception among consumers such that they will believe that Tastevin Systems' goods are Labrador OmniMedia's goods or are otherwise sponsored, licensed, or authorized by Labrador OmniMedia.

Tastevin Systems' unauthorized use of the TASTEVIN trademark capitalizes on Labrador OmniMedia's goodwill and constitutes, among other things, federal trademark infringement

Mihir Parikh
Tastevin Systems, Inc.
September 26, 2011
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under 15 U.S.C. § 1125, and related legal violations under the laws of various states, including California. Please note that Tastevin Systems' infringing use of the TASTEVIN trademark, particularly with notice, could subject Tastevin Systems to a finding of willful infringement and liability to Labrador OmniMedia for treble damages, as well as costs and attorneys' fees for bringing a lawsuit to rectify the situation.

Although we assume Tastevin Systems' use of the TASTEVIN trademark is unintentional, Labrador OmniMedia must protect the substantial investment it has made in its TASTEVIN trademark against such unauthorized use. Accordingly, we hereby demand that by **Friday, October 14, 2011**, Tastevin Systems: (1) cease all use of the TASTEVIN designation, including as a corporate name and domain name, and (2) refrain from adopting and using the TASTEVIN trademark or any trademark in the future that is confusingly similar to Labrador OmniMedia's TASTEVIN trademark. Tastevin Systems' agreement to settle on this basis may be provided by signing and returning to us the enclosed copy of this letter.

Although Labrador OmniMedia desires to resolve this matter amicably, you should note that this proposal is for settlement purposes only and is without prejudice to its rights in this matter. In the absence of a favorable response, we will recommend that Labrador OmniMedia take appropriate action to protect its rights in the TASTEVIN trademark and to collect all damages, profits, costs, and attorneys' fees allowed by law.

We look forward to your prompt reply.

Sincerely,



Bruno W. Tarabichi

Agreed:

Tastevin Systems, Inc.

Name: _____

Title: _____

Date: _____

EXHIBIT E

Bruno Tarabichi

From: mparikh@mp-assoc.com
Sent: Thursday, September 29, 2011 7:05 PM
To: Bruno Tarabichi
Subject: RE: Unauthorized Use of the TASTEVIN Trademark

Mr. Tarabichi

My attorneys and I have reviewed your e-mail letter. Our response is as follows:

- (1) TasteVin Systems, Inc. was incorporated on November 16, 2010 and has been conducting business under that name continuously since that date. In no way was the name selected to trade on the reputation of any product or service of Labrador Omnimedia.
- (2) We have been working with customers on our application since early 2011, and have not received any comments suggesting any confusion with your client's application. Therefore, we intend to continue executing to our plans in good faith and do not anticipate any confusion in the marketplace.
- (3) If your client remains concerned, we are willing to consider alternative proposals, but uncompensated cessation of use of our name is not an option.

Mihir Parikh

From: Bruno Tarabichi [<mailto:btarabichi@owenstarabichi.com>]
Sent: Monday, September 26, 2011 4:28 PM
To: mparikh@mp-assoc.com
Subject: Unauthorized Use of the TASTEVIN Trademark

Mr. Parikh,

Attached is an updated copy of the letter addressed to you rather than Mr. Compian.

Best,

Bruno Tarabichi | Partner
owens tarabichi llp | Counselors At Law
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